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STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TAMWORTH EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

and

TAMWORTH SCHOOL DISTRICT

CASE NO. T-0263

APPEARANCES

Representing the Tamworth School District:

Bradley F. Kiddler, Esquire
Daniel K. Gravas, Teaching Principal

Representing the Tamworth Education Association:

John Fessenden, UniServ Director, NHEA
Sally Potter, Project Director, NHEA/NEA

FINDINGS

Petition for representation election in accordance with RSA 273-A:10 filed by Barbara J. Yentzer, Project Director, NEA/NHEA on April 15, 1976; signed cards from employees wishing to be represented by the Association accompanied the petition.

Pre-election conference set for November 18, 1976 in Room 306 of the Legislative Office Building, Concord, New Hampshire.

School Board and Association agreed on the eight (8) full-time teachers, but disagreed on following positions: Teaching Principal, Title I Tutor, Physical Education teacher, Art teacher, Diagnostic Prescriptive teacher, Teacher's Aide, Music teacher and school Nurse.

Agreement reached at the pre-election conference to exclude the following positions from the proposed bargaining unit: Art, Physical Education, Title I Tutor, Diagnostic Prescriptive and School Nurse.

Three basic issues remained for decision: i.e., Teaching Principal, Teacher's Aide and Music Teacher.

Evidence presented indicated that the Teaching Principal did possess broad supervisory power and was in fact considered a part of the management structure as is the case in most school districts. The position requires the exercise of discretion and involves certain policy areas of school administration and PELRB rules that the position of Teaching Principal shall be excluded from the unit.

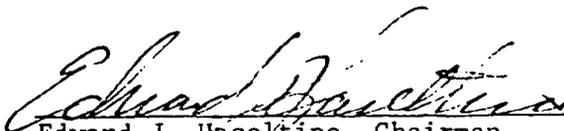
Teacher's Aide in this instance appeared to be strictly an aide and not re-

quired to possess the professional and educational background of a full-time teacher. There are many other constraints placed upon the teacher's aide which indicates a real lack of community of interest with the full-time teachers and the teacher's aide position is accordingly excluded from the unit.

The Music Teacher position in this instance appeared to be under a continuing contract with the School District for a certain specified fee and meets the test of being a full-time employee and shall be included in the bargaining unit.

ORDER

The bargaining unit for the Tamworth School District shall consist of all full-time teachers and shall include the position of music teacher and shall exclude the positions of teaching Principal, Aide, Art, Physical Education, Title I tutor, Diagnostic Prescriptive and school Nurse.


Edward J. Haseltine, Chairman
Public Employee Labor Relations Board

Signed this 25 day of February, 1977.